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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,453	02/02/2007	Masaetsu Takahashi	R21840502P502	2180

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DICKSTEIN SHAPIRO LLP  
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Washington, DC 20006-5403

EXAMINER
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LO, KENNETH M

ART UNIT	PAPER NUMBER
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2189

MAIL DATE	DELIVERY MODE
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09/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/581,453	TAKAHASHI, MASAETSU	
	<b>Examiner</b>	<b>Art Unit</b>	
	KENNETH M. LO	2189	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06/01/2006, 01/19/2007, 02/02/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/01/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The instant application having Application No. 10/581453 has a total of 15 claims pending in the application; all of which are ready for examination by the examiner.

### **Oath/Declaration**

1. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

### **Drawings**

2. The applicant's drawings submitted are acceptable for examination purposes.

### ***Specification***

3. The applicant's specification submitted is acceptable for examination purposes.

### ***Information Disclosure Statement***

4. The information disclosure statement (IDS) was submitted on 06/01/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al. [hereinafter Kim] (United States Patent Application Publication 2003/0086697).

**As per Claim 1, 6, 11,** Kim discloses, "recording means for recording data accompanying user data in an area disposed outside a user data area to record the user data of a recording area of an information recording medium" [**"When a still picture or audio data linked to the still picture is recorded, the two information fields in FIG. 1 (i.e., VOB information and cell information (CI) fields) take up 84 bytes (e.g., S\_VOB (36 bytes)+Cell (2.times.24 bytes)) including the reserved area."** (Paragraph 0007) **"conditions for grouping the recorded still pictures and audio signals linked to the still pictures into VOBs include attributes of the still pictures and audio signals and the maximum number of still pictures which a VOB can contain"** (Paragraph 0014) **"then the navigation information stored in the memory M1 is recorded in the management data area of the OD"** (Paragraph 0041)] **As per Claim 11,** "A recording medium in which is recorded a program for causing a computer to execute a process" [**"The memory M1 contains an FMP area for storing a file management program (FMP)"** (Paragraph 0040)].

**As per Claim 2, 7, 12,** Kim discloses, "characterized in that said recording means includes means for recording a same attribute as an attribute of the user data area as an attribute of the area disposed outside the user data area" [**"index**

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**information necessary by grouping a plurality of still pictures according to their attributes, thus sharing navigation information and recording index information of still pictures with common attributes linked by the shared navigation information.” (Abstract)]**

**As per Claim 3, 8, 13,** Kim discloses, “content data recording means for recording content data in an information recording medium” [**“The optical information recording/reproduction apparatus comprises an optical pickup 10 for recording information on an optical disk (OD)” (Paragraph 0039)**] “index information generating means for generating, for the content data, index information for referring to contents of the content data;” [**“The control unit 50 keeps examining whether the attributes of the still pictures or audio signals linked to the still pictures are changed by a user during the recording process. On detecting an attribute change, the control unit 50 groups the still pictures recorded before the attribute change into a VOB, completes creation of the VOB related to the VOB, as shown in FIG. 4, and stores the created VOB in the VOB table in the FMT area of the memory M1.” (Paragraph 0041)**] “index information recording means for recording the index information generated by said index information generating means in an area disposed outside a user data area to record user data of a recording area of the information recording medium” [**“When a still picture or audio data linked to the still picture is recorded, the two information fields in FIG. 1 (i.e., VOB information and cell information (CI) fields) take up 84 bytes (e.g., S\_VOB (36 bytes)+Cell**

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**(2.times.24 bytes)) including the reserved area.” (Paragraph 0007) “conditions for grouping the recorded still pictures and audio signals linked to the still pictures into VOBs include attributes of the still pictures and audio signals and the maximum number of still pictures which a VOB can contain” (Paragraph 0014) “then the navigation information stored in the memory M1 is recorded in the management data area of the OD” (Paragraph 0041)] As per Claim 13, “A recording medium in which is recorded a program for causing a computer to execute a process” [“The memory M1 contains an FMP area for storing a file management program (FMP)” (Paragraph 0040)].**

**As per Claim 4, 9, 14,** Kim discloses, “characterized in that said index information recording means records the index information generated by said index information generating means in the area disposed outside the user data area to record the user data of the recording area of the information recording medium at a time after said content data recording means completes the recording of the content data in the information recording medium” [“**the control unit 50 groups the still pictures and audio data linked to the still pictures recorded until then into a VOB, completes creation of the VOB related to the VOB, and stores the created VOB in the VOB table in the FMT area of the memory M1. And then the navigation information stored in the memory M1 is recorded in the management data area of the OD.”** (Paragraph 0041)]

**As per Claim 5, 10, 15,** Kim discloses, “characterized in that said index information recording means successively records the index information generated by said index information generating means in the area disposed outside the user data area to record the user data of the recording area of the information recording medium during the recording of the content data in the information recording medium by said content data recording means” [**“Next, the control unit 50 examines whether the attributes of the currently recorded still picture (or attributes of the audio data linked to the still picture) differ from those of the previously recorded still pictures (or those of the audio data linked to the previously recorded still pictures) belonging to a VOB (S17)...Returning to S17, if the attributes of the currently recorded still picture differ from those of the previously recorded still pictures, the control unit 50 groups the previously recorded still pictures into a VOB in step S19, records N in the field of STILL\_PIC\_Ns in the corresponding VOB after decrementing N by 1, and finishes creation of the VOB. ... And, the control unit 50 records the whole file management data containing the completed VOB in the storage media (S21), which finishes the creation of the VOB.”**

**(Paragraph 0046-0048)]**

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH M. LO whose telephone number is (571)272-9774. The examiner can normally be reached on Mon - Thu (7:30am - 6:00pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bragdon Reginald can be reached on 571-272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kenneth Lo  
Art Unit 2189

/Reginald G. Bragdon/  
Supervisory Patent Examiner, Art Unit 2189